

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 2000-07

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-055-00

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

**For Filing Administrative
Regulations**

For Emergency
Regulations Only

Effective Date

Expiration Date

Governor's Signature

State Environmental Commission

Classification ☐ Proposed ☐ Adopted By Agency ☒ Temporary ☐ Emergency ☐

Brief description of action: **Petition 2000-07 (LCB File R-055-00)** permanently amended NAC 445B.400 to 445B.774, the air quality regulations governing the Inspection and Maintenance (I/M) program in Clark County. The adopted regulation adds a requirement for inspection of the on-board diagnostic (OBD) system for model year 1996 and new motor vehicles to ensure the proper operation of the vehicles emission control components. The definition of “certified on-board diagnostic system” is added. The regulation is a contingency measure for air quality and becomes effective only if the carbon monoxide in Clark County exceeds the national ambient air quality standards or the number of actual vehicle miles traveled exceeds the projected vehicle miles traveled as set forth in the state implementation plan.

Authority citation other than 233B: NRS 445B.210 (1-4) and 445B.770

Notice date: March 21, March 29, April 6, and May 19, May 22, May 31 and June 8, 2000

Hearing date: June 20, 2000

Date of Adoption of Agency: June 20, 2000

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PERMANENT PETITION 2000-07 (R-055-00)
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445B. This permanent regulation deals with amendments to the vehicle emission inspection and maintenance program.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 2000-07 (R-055-00), was noticed seven (7) times: March 21, March 29, April 6 and May 19, May 22, May 31 and June 8, 2000 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. A report was prepared that summarized the public meetings. Workshops were held on March 22, 2000 in Reno, March 23, 2000, May 26, 2000 and June 1, 2000 in Las Vegas. Affected emission inspection stations were mailed the proposed rules, including other interested parties. The regulation was adopted by the State Environmental Commission on June 20, 2000. Verbal comments opposing the regulations because of the need for an accurate emissions inventory were expressed by the Nevada Environmental Coalition and letter of support (Exhibit 5) of the petition was submitted by Clark County Comprehensive Planning Department. No written comments were received at the Commission's hearing opposing this permanent regulation were received. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

(a)	Attended each hearing;	28
(b)	Testified at each hearing:	1
(c)	Submitted to the agency written comments:	1

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral testimony was received that opposed or supported the permanent regulation. No written testimony was received relating to the permanent regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted by the State Environmental Commission on June 20, 2000 with minor amendments.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The regulation, if implemented would have a one-time economic impact on the inspection stations that are regulated under this program. There are approximately 400 stations in Clark and Washoe counties, including automotive dealerships and fleet stations. New equipment costs are estimated at about \$ 5,000 per station. It is expected, however, that many of these stations already own a computer that can be used with existing equipment, thereby reducing the cost for capital investment to approximately \$ 2,000 for the necessary OBD system equipment. The proposed regulation for On Board Diagnostics (OBD) may in the long term result in the replacement of existing tail pipe testing, thereby reducing station equipment and maintenance costs. This regulation affects only Clark county. It is a state implementation plan contingency measure that would go into effect if the ambient air quality standard for carbon monoxide is exceeded or if actual vehicle miles traveled exceed those defined in the U.S. EPA approved state implementation plan.

(b) Estimated economic effect on the public;

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The regulations are no more stringent than federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for a new fee or increase of an existing fee.

FILED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R055-00

Explanation - Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted and language undersscored represents amendments by the State Environmental Commission. .

AUTHORITY: §§1-4, NRS 445B.210 and 445B.770.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. Any motor vehicle with a 1996 or newer model year which is equipped with a certified on-board diagnostic system and which is subject to inspection pursuant to chapter 445B of NRS in a county whose population is 400,000 or more, as a condition of compliance with the inspection, must have the certified on-board diagnostic system inspected.*
- 2. The department shall develop test procedures and certify equipment to be used for inspecting certified on-board diagnostic systems in a county whose population is 400,000 or more.*
- 3. As used in this section:*
 - (a) “Certified on-board diagnostic system” means a computer system which is contained within the vehicle and which is certified by the United States Environmental Protection Agency to be fully capable of monitoring all the sensors and actuators in the drivetrain of the vehicle to determine whether the sensors and actuators are working as intended.*
 - (b) “Population” has the meaning ascribed to it in NRS 0.050*

Sec. 2. NAC 445B.575 is hereby amended to read as follows:

445B.575 1. Except as otherwise provided in this section, a person shall not:

(a) Sell, offer to sell, display, operate or leave standing any motor vehicle which is required by state or federal law to be equipped with a device for the control of pollution unless the device is correctly installed and in operating condition.

(b) Disconnect, alter or modify any such required device.

2. ~~[The]~~ *Except for section 1 of this regulation, the* provisions of subsection 1 and NAC 445B.576 to 445B.582, inclusive, do not apply to an alteration or modification of a motor vehicle to use fuel other than gasoline or diesel fuel where the alteration or modification is effected without violating existing federal and state standards for the control of exhaust emissions.

3. The provisions of subsection 1 do not apply to a wholesale transaction between licensed dealers of motor vehicles.

4. The department may inspect a licensed dealer of motor vehicles to determine compliance with this section. Such inspections must be conducted in accordance with subparagraph (2) of paragraph (a) of subsection 4 of NAC 445B.580.

5. As used in this section, a “device for the control of pollution” includes, without limitation, a gasoline

cap which meets the specifications of the manufacturer of the motor vehicle and seals the neck or pipe of the fuel filler.

Sec 3. NAC 445B.6115 is hereby amended to read as follows:

445B.6115 The provisions of NAC 445B.575 to 445B.601, inclusive, ***and section 1 of this regulation*** do not apply to a motor vehicle that is certified as a restored vehicle by the department pursuant to NAC 445B.6125.

Sec 4. This regulation becomes effective on the date the state environmental commission notifies the department of motor vehicles and public safety that:

1. The amount of carbon monoxide in the air in Clark County exceeds the national ambient air quality standards for carbon monoxide set forth in 40 C.F.R. Part 50; or
2. The actual vehicle miles traveled exceed ~~[the allowed deviation from]~~ the projected vehicle miles traveled set forth in the state implementation plan which has been approved by the United States Environmental Protection Agency.

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